

# EXHIBIT 13

Volume I

Pages: 1 - 242

Exhibits: 1 - 27

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

No. 04-CV-11948-RGS

SEYED MOHSEN HOSSEINI-SEDEHY,

Plaintiff

vs.

ERIN T. WITHINGTON and the CITY

OF BOSTON,

Defendants

DEPOSITION OF ERIN T. WITHINGTON

Thursday, March 31, 2005

10:00 a.m. - 4:32 p.m.

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Reporter: Cynthia C. Henderson/RPR

Erin T. Withington - March 31, 2005

<p style="text-align: right;">142</p> <p>1 <b>Q. But you considered Perry's claims in the</b>  2 <b>course of your investigation, did you not?</b>  3 MS. AMBARIK: Objection. You can  4 answer.  5 A. No. As far as arresting Mr. Hosseini, no.  6 <b>Q. As far as making any determination as to</b>  7 <b>the course of your investigation into Bavis's</b>  8 <b>allegations, did you consider the information Perry</b>  9 <b>gave you in any way, shape or form?</b>  10 A. I heard what he said. I documented it.  11 There was supposedly other people that wanted to  12 speak with me, and I never heard from them, so it  13 was part of the investigation, but I didn't weigh it  14 very heavily either way.  15 <b>Q. After speaking with Bavis and Perry on the</b>  16 <b>22nd of December, 2003, what was your plan to</b>  17 <b>investigate these allegations?</b>  18 A. I attempted to speak with Mr. Hosseini and  19 then, as I did, send it up to the District  20 Attorney's office and let them make a determination  21 to bring it into court.  22 <b>Q. And other than your intention to speak with</b>  23 <b>Mr. Hosseini, did you intend to do any further</b>  24 <b>investigation with Bavis's allegations on December</b></p>	<p style="text-align: right;">144</p> <p>1 number and have them call me. You can't report for  2 someone else, I explained to them, and if they want  3 to be part of this complaint, they can also start  4 their own investigations and everybody would have  5 their own file.  6 <b>Q. So as of that first interview, December 22,</b>  7 <b>2003, the only names that you had were John Perry,</b>  8 <b>Mohsen Hosseini and GES?</b>  9 A. Yes.  10 <b>Q. And your plan on that day was to speak with</b>  11 <b>John Perry and Mohsen Hosseini; correct?</b>  12 A. Yes.  13 <b>Q. Did you have any other plan or did you have</b>  14 <b>any intent to conduct any other investigation on</b>  15 <b>Bavis's allegations on that day after you spoke with</b>  16 <b>Bavis and Perry after they left your office?</b>  17 A. On that specific day?  18 <b>Q. Yes.</b>  19 A. No.  20 <b>Q. And did you decide to seek an arrest</b>  21 <b>warrant for Mr. Hosseini on that day, December 22nd?</b>  22 A. No.  23 <b>Q. Why not?</b>  24 A. Because I wanted to speak with</p>
<p style="text-align: right;">143</p> <p>1 <b>22nd?</b>  2 A. Yes.  3 <b>Q. What did you intend to do?</b>  4 A. Speak with the other people that they had  5 mentioned during that -- speak with other people  6 that worked with the two of them together.  7 <b>Q. Okay. What names did you get from Bavis</b>  8 <b>and Perry on December 22nd of 2003 other than Mr.</b>  9 <b>Hosseini?</b>  10 A. John Perry and a phone number for GES.  11 <b>Q. And what about the names of all these</b>  12 <b>people you are saying that they mentioned to you?</b>  13 A. They didn't give me the names. They just  14 referred to other people want to come forward, and I  15 think maybe there was a first name thrown out, but  16 there was no name and phone number or anything like  17 that given to me.  18 <b>Q. Did you ask for names?</b>  19 A. Yes.  20 <b>Q. And what was the response you got from</b>  21 <b>these two people?</b>  22 A. Let me see if this is something that they  23 are comfortable with, and I said, okay, if they  24 would like to come forward, gave them my name and</p>	<p style="text-align: right;">145</p> <p>1 Mr. Hosseini regarding the allegations, and since it  2 was two adult males that worked together, that I  3 figured let me speak to Mr. Hosseini, which is what  4 I do in all my cases, get his side of the story and  5 see what transpired from there, and explained to  6 both of them that this would probably make its way  7 through court and they could go to court.  8 <b>Q. And the fact that they were two adult males</b>  9 <b>that worked with each other, that was significant in</b>  10 <b>the course of your investigation; correct?</b>  11 A. Considering they had no relationship, they  12 weren't involved intimately, there was no real  13 relationship there, you know. It just seemed kind  14 of strange to me that it was making its way through  15 Sexual Assault.  16 <b>Q. This was an unusual complaint that</b>  17 <b>Mr. Bavis was making from a 48-year-old Teamster;</b>  18 <b>correct?</b>  19 A. It was a little strange, yes.  20 <b>Q. And the fact that this guy was coming in as</b>  21 <b>a 48-year-old Teamster complaining that his boss</b>  22 <b>touched him on the buttocks and sexually assaulted</b>  23 <b>him in the way he mentioned, that was unusual, was</b>  24 <b>it not?</b></p>